

MAR 21 2003

Attorney's Docket No.: 12071-014001 / SP-12 US



TECH CENTER 1600/2900

1645

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Lee Mizzen et al.

Art Unit : 1645

Serial No. : 09/001,737

Examiner : S. Devi, Ph.D.

Filed : December 31, 1997

Title : STREPTOCOCCAL HEAT SHOCK PROTEINS OF THE HSP60 FAMILY

Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO NOTICE TO OF NON-COMPLIANT AMENDMENT

In response to the Notice of Non-Compliant Amendment dated February 12, 2003, applicants respectfully request that the Notice be withdrawn.

In the Response to Notice to Comply filed on January 30, 2003, applicants submitted copies of a Paper Copy of Sequence Listing and a Preliminary Amendment that were submitted to the U.S. Patent and Trademark Office on September 14, 1998. Because the Preliminary Amendment was filed before September 8, 2000, it did not contain and was not required to contain clean and marked up versions of replacement paragraphs.

Applicants thank the Examiner for the helpful telephone conversation with the undersigned on February 11, 2003. The Examiner stated that the present Notice, which was issued in error, has now been withdrawn and that the Preliminary Amendment has been entered. Accordingly, applicants need not resubmit the amendment with clean and marked up versions of replacement paragraphs.

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Linda

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

March 12, 2003

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Applicant: See Mizzen et al.
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Please apply any charges or credits to Deposit Account No. 06-1050, referencing
Attorney Docket No. 12071-014001.

Respectfully submitted,

Date: March 12, 2003

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